

### Remarks

Claims 1-6, 9-11 and 13-18 are currently pending in the present patent application. Claims 7-8 and 12 were previously cancelled. No amendments to the claims have been made in this response.

### Claims 1-6, 9-11 and 13-18, Rejected Under 35 USC § 103(a)

Claims 1-6, 9-11 and 13-18 have been rejected under 35 USC § 103(a) as being unpatentable over Helleburst (U.S. 2005/0248437 A1) in view of Wagner et al. (U.S. 2004/0259598 A1).

Helleburst is directed to a system for displaying, organizing, and prioritizing information on a wireless device (abstract). The system can display the number of voice mails, e-mails, pages, and Internet information alerts that have been received by the wireless device during a specified time period (abstract). The system analyzes incoming messages to determine classification information based on a retrieved rule set (see FIGS. 2-3). The display of the wireless device can be updated to inform the user of the results of the classification, organization, and prioritization steps in a variety of ways such as by showing the number of messages under each of the categories defined by the rule sets (see paragraph [0017]). Helleburst additionally vaguely mentions that the display of the wireless device may be updated to reflect that a new message has arrived such as by “the display of standard or user-friendly icons or sounds, the display of summarized messages by type, or the display of the actual message itself” as stated in the last sentence of paragraph [0011]. However, Helleburst does not provide any further teaching as to what the update to the display may actually comprise or how such update is carried out.

In contrast to Helleburst, claim 1 (and similarly claims 4 and 11) presently recites (i) a first indicator including a count to indicate the number of unread electronic messages received; and (ii) *altering* the first indicator to provide a second indicator that provides a visually distinguishable annunciation by altering the first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading. Helleburst does not have any structure comparable to the various features described above that are recited in claim 1 (or similarly in claims 4 and 11) and at best merely suggests simply displaying the number of messages **under each of the categories**

defined which plainly does not teach the concept recited in claims 1. The Examiner concedes that Hellebust does not disclose many of the elements of claim 1, as admitted on page 7 of the Office Action.

To compensate for the deficiencies of Hellebust, the Examiner relies upon the teaching of Wagner, directed toward a context based mobile device display. The context based mobile device display includes a primary service icon representing a service most likely to be utilized by a user within a predetermined period of time based on user profile information. The carrier provider stores profile information regarding individual subscribers (see [0034]). The carrier provider also stores information regarding each individual subscriber's service usage patterns, such as, what services the individual uses, when they use each service, and how often each service is utilized (see [0034]). Wagner, at paragraph [0040], further discloses that in order to assist a user in service selection, embodiments of the display animate particular icons to indicate additional information regarding the particular service the icon represents. Examples given include a news service icon may be initially displayed as a "rolled up" newspaper and then as an "unrolled" newspaper to indicate new news has arrived ([0040]). In regard to messages, Wagner teaches that a mail service icon may display a counter that changes to indicate the number of unread messages a user has ([0040]). Additionally, element 310 of Figure 3 of Wagner shows using multiple counters to indicate the number of messages as well as the number of that are urgent.

Although Wagner discloses that a service icon may be displayed in two different ways in order to show new news has arrived, with respect to received messages, Wagner merely teaches **incrementing a counter and displaying multiple counters as previously discussed**. As such, Wagner, like Hellebust, does not have: (i) a first indicator including a count to indicate the number of unread electronic messages received; and (ii) altering the first indicator to provide a second indicator that provides a visually distinguishable annunciation by altering the first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading. The Wagner count is not altered to provide a second indicator that provides **a visually distinguishable annunciation that new unread electronic messages have been received since the unread**

**electronic messages received were last scanned without reading.** When a count is incremented, the count is not a visually distinguishable annunciation such as flashing the count, bolding the count, changing the size of the count, changing the color of the count, adding indicia to the count and adding an additional count to the count as is disclosed in the patent application.

As can be seen from the review of the Hellebust and Wagner teachings provided above, Hellebust and Wagner when combined do not have: (i) a first indicator including a count to indicate the number of unread electronic messages received; and (ii) altering the first indicator to provide a second indicator that provides a visually distinguishable annunciation by altering the first indicator that new unread electronic messages have been received since the unread electronic messages received were last scanned without reading, but instead merely teach displaying and incrementing multiple counters. As such, claims 1, 4 and 11 are distinguishable from Hellebust and Wagner when combined and thus should be allowed in light of the cited art.

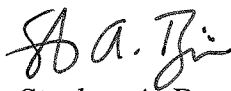
Since independent claims 1, 4 and 11 are believed to be allowable over Hellebust and Wagner for the reasons provided above, dependent claims 2-3, 5-6, 9-10 and 13-18 which depend therefrom are believed to be allowable as a matter of law as well. Reconsideration and withdrawal of the rejection to claims 1-6, 9-11 and 13-18 under 35 USC § 103(a) is requested.

#### **Conclusion**

In view of the remarks above, Applicant respectfully submits that the application is in proper form for issuance of a Notice of Allowance and such action is requested at an early date.

No fee is currently believed to be due, however, if any fee is determined to be due, the Commissioner is hereby authorized to charge any such fee or credit any overpayment to Eckert Seamans Cherin & Mellott, LLC Deposit Account No. 02-2556.

Respectfully submitted,



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